

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMES C. KNOX,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06CV1823 MLM
)	
GARY KEMPKER, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on the remand from the Eighth Circuit Court of Appeals for the purpose of determining whether plaintiff should be allowed to proceed in forma pauperis on appeal. Plaintiff filed a notice of appeal but he did not pay the appellate docketing fee or submit a motion to proceed in forma pauperis on appeal. Plaintiff must either pay the appellate docketing fee of \$455.00 or file a motion to proceed in forma pauperis on appeal. 28 U.S.C. § 1915; Fed. R. App. P. 3(e) (docketing fee); Fed. R. App. P. 24(a) (in forma pauperis).

If plaintiff wishes to proceed in forma pauperis on appeal, he must also submit a certified copy of his prison account statement for the 6-month period immediately preceding the filing of the notice of appeal. 28 U.S.C. § 1915(a)(2).

Accordingly,

IT IS HEREBY ORDERED that plaintiff must either pay the appellate filing fee of \$455.00 or file a motion to proceed in forma pauperis on appeal with a copy of his prison account statement **no later than twenty (20) days of the date of this Memorandum and Order.**

/s/Mary Ann L. Medler

MARY ANN L. MEDLER

UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of April, 2007.